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PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378 (c)) *

Docket Number (Optional)

* PETITION FOR RECONSIDERATION Mail to: Mail Stop Petition (37CFRI,378(c) Commissioner for Patents P.O. Box 1450 FEB 1 5 2011 Alexandria, VA 22313-1450 Fax: (571) 273-8300 NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282. Application Number 10/754,163 7,070,167 Patent No. Filing Date January 10. 2004 July 4, 2006 Issue Date CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number (or reissue patent number, if a reissue) and (2) the application number of the actual U.S. application (or reissue application) leading to issuance of that patent to ensure the fee(s) is/are associated with the

> correct patent. 37 CFR 1.366(c) and (d). 02/22/2011 DALLEN 00000011 7070167 Also complete the following information, if applicable 01 FC:1462

The above - identified patent Is a reissue of original Patent No. ______ original issue date ____ original application number _____ original filing date resulted from the entry into the U.S. under 35 U.S.C. 371 of international application____ filed on ______

CERTIFICATE OF MAILING (37 CFR 1.89(a))

I hereby certify that this paper (*along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class main in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Feb. 11) 2011

Date

Marbell Sulaters
Signature

[page 1 of 3]

This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450

	7. OVERPAYMENT							
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	8. STAT	EMENT						
		The del	ay in payment of the maintenance fee to	this patent was unintentional.				
	9. PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED February 11, 2011							
	Signature(s) of Petitioner(s) Date							
	Markell Seitzman 28,756							
	Typed or printed name(s) Registration Number, if applicable							
	Telephone Number 3400 Winterberry, Orchard Lake, Michigan 48324							
				Address				
	Address							
	37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest." ENCLOSURES							
	Maintenance Fee Payment							
	Maintenance Fee Payment							
	Surcharge under 37 CFR 1.20(i)(2) (fee for filing the maintenance fee petition)							
	Petition Fee of \$400 as set forth in 37CFR1.17(f)							
	12) Return Postcard							

✔ Patente	ee claims, or has previo	ously claimed, sm	all entity status. See 3	7 CFR 1.27.	RECEN
2. LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS					RECEIV
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he appropriate	maintenance fee must	be submitted with	h this petition, unless it	was paid earlier.	
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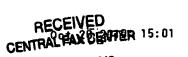
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NOTE: If inf	ormation or assistance is needed in co	mpleting this form, pleas	contact Petitions	Information at (571) 272-3282.
Patent No.	7,070,167	Application I	Number 10/754,1	63
Issue Date	July 4, 2008	Filing Date	January 10, 200	4 2
r !	Maintenance fee (and surcharge, if any) reissue patent number, if a reissue) and reissue application) leading to issuance correct patent. 37 CFR 1.368(c) and (d	(2) the application number of that patent to ensure	per of the actual U.	9. application (or 2 sociated with the 2
Also compte	ite the following information, if appli	cable		Pil 2:57
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United States Po Mail Stop Petition U.S. Patent and	nat this paper ("along with any paper restal Service on the date shown below on, Commissioner for Patents, P.O. Box Trademark Office on the date shown be Date	vith sufficient postage as 1450, Alexandria, VA 2	first class main in	an envelope addressed to
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This collection of information is required by ST CFR 1.378(e). The information is required to obtain or ratein a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by SS U.S.C. 122 and ST CFR 1.11 and 1,14. This collection is estimated to take 1 hour to complate, tracking gettering, preparing, and automitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22319-1450. CO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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1. SMALL ENTITY Patentee claims, or has proviously claimed, small entity status. See 37 CFR 1.27. 2. LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g) 3. MAINTENANCE FEE (37 CFR 1.20(e)-{g}) The appropriate maintenance fee, surcharge or petition deficiency to Deposit Account No. Prese charge or petition of deficiency to Deposit Account No. Prese charge or petition of deficiency to Deposit Account No. Prese charge or petition deficiency t	Petentee claims, or has previously claimed, small entity status. See 37 CFR 1.27. 2 LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g) 3. MAINTENANCE FEE (37 CFR 1.20(e)-(g)) The appropriate maintenance fee must be submitted with this position, unless it was paid earlier. NOT Small Entity Amount Fee (Code) Amount Fee (Code) Amount Fee (Code) 3 ¼ yr fee (1551) 3 ¼ yr fee (2551) 3 ¼ yr fee (2552) 3 ¼ yr fee (1552) 4 \$490.00 3 ¼ yr fee (2552) 3 ¼ yr fee (2553) MAINTENANCE FEE BEING SUBMITTED \$490.00 4. SURCHARGE The surcharge required by 37 CFR 1.20()(2) of \$1640.00 (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of a maintenance fee. SURCHARGE FEE BEING SUBMITTED \$1840.00 5. MANNER OF PAYMENT Enclosed is a check for the sum of \$2130.00 the sum of \$213	Under the Peperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number						
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7. OVERPAYMENT As to any overpayment made please Credit to Deposit Account No. OR Send retund check WARNING: Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identify theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider reducting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available. 8. STATEMENT The delay in payment of the maintenance fee to this patent was unintentional. 9. PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED Signature(s) of Petitioner(s) Todd Bacon Typed or printed name(s) Registration Number, if applicable 248-960-7100 ext208 Herkules Equipment Company, 2760 Ridgeway Court Walled Lake, Michigan 48390 Address 37 CFR 1.378(d) etates: "Any petition under this section must be signed by an atterney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest." **ENCLOSURES** Maintenance Fee Payment Surcharge under 37 CFR 1.20(i)(2) (fee for filing the maintenance fee petition)